

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Ronald W. Kazmierczak, Regional Director

Oshkosh Service Center  
625 E. County Rd Y, Suite 700  
Oshkosh, Wisconsin 54901-9731  
Telephone 920-424-3050  
FAX 920-424-4404

May 8, 2000

Black Creek Limestone Co.  
ATTN: Mike Murphy  
PO Box 1137  
Appleton WI 54912

SUBJECT: Groundwater Use Restriction for Black Creek Limestone Co., Mackville-Site 2 (aka: Murphy Concrete and Construction site 2)  
WDNR BRRTS # 03-45-204947

Dear Mr. Murphy:

On April 26, 2000, the Bureau for Remediation and Redevelopment's Northeast Region Closure Committee met to discuss the above referenced site. The committee has agreed to close this site pending the completion and filing of a groundwater use restriction. This groundwater use restriction will state that inaccessible groundwater contamination may remain at this site and that additional remedial action is not feasible at this time. The document would be placed in the file with the deed running with the property.

Only when the groundwater use restriction has been finalized and filed with Outagamie County and proof of filing the groundwater use restriction has been received by the Department, can this site be closed. To expedite the completion of the groundwater use restriction and closure process, the Department requests that you submit the following:

- a complete, legible and unabbreviated legal description of the property
- a copy of the most recent deed for your property
- available maps, such as a survey map, showing the property boundaries, building outlines, and monitoring well/piezometer locations

If you do not have these documents they can be obtained from the Outagamie County Register of Deeds. Once this information is received, the Department will send you a draft copy of the groundwater use restriction containing language regarding the remaining chlorinated solvent contamination.

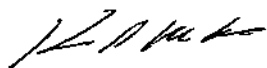
If the draft is accurate and acceptable, please sign it, file it with the Register of Deeds office and return a copy of the signed and filed restriction to the Department for our records. The Department must also receive documentation of proper abandonment of any and all monitoring wells, extraction wells, piezometers, sumps, and soil venting systems if you do not intend to perform long term monitoring at your site. Once all this information is received, the site will be conditionally closed.

This groundwater use restriction is an option that the Department can offer in order to conditionally close this site. If you choose not to accept this option you will need to perform additional investigation and cleanup of the remaining contamination. Within **14 days** of receipt of this notice please submit a letter to the Department documenting your intentions.

If you have any additional relevant information concerning this matter which was not formerly provided to the Department, you should submit this information to the Department for reevaluation.

If you have any questions, please contact me at (920) 424-7890.

Sincerely,



Kevin D. McKnight  
Hydrogeologist  
Bureau for Remediation & Redevelopment

cc: file \\  
Dave Fries, OMNNI Associates, One Systems Drive, Appleton WI 54914

**1378191**  
Document Number

**NOTICE OF CONTAMINATION TO  
PROPERTY**

Legal Description of the Property: In re:

See Attachment "A"

**OUTAGAMIE COUNTY  
RECEIVED FOR RECORD**

**AUG 31 2000**

AT 9 O'CLOCK A.M. J.M.  
JANICE FLINZ  
REGISTER OF DEEDS

**Recording Area**

**Name and Return Address**

Michael R. Murphy  
P.O. Box 1137  
Appleton, WI 54912-1137

*Bachman Law Firm*

STATE OF WISCONSIN )  
COUNTY OF OUTAGAMIE ) ss

04-0-0886-00-1  
Parcel Identification Number (PIN)

Section 1. Black Creek Lime/ Stone Company is the owner of the above-described property.

Section 2. One or more petroleum discharges have occurred at this property. Benzene, Naphthalene, and Trimethyl benzene contaminated groundwater above NR 140 enforcement standards and soils above NR 720 residual contaminant levels of the Wisconsin Administrative Code exist(s) on this property.

Section 3. The owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and/or restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

Also,

Residual petroleum contaminated soil remains on this site. Natural attenuation is the approved remedial alternative for this site. If contaminated soil is excavated in the future, it may be considered a solid waste and will need to be disposed in accordance with all applicable laws.

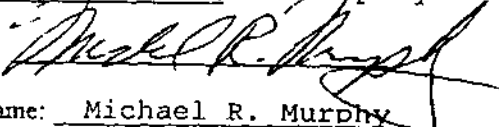
Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Commerce, or its successor, issue a determination that the restrictions set forth in this covenant are no longer required. That property owner shall provide any and all necessary information to the Department in order for the Department to be able to make a determination. Upon receipt of such a request, the Department shall determine whether or not the restrictions contained herein can be extinguished. Conditions under which a restriction may be extinguished will be

determined in accordance with the site specific standards, rules and laws for this property. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this restriction, or portions of this restriction are no longer binding. Any restriction placed upon this property shall not be extinguished without the Department's written determination.

IN WITNESS WHEREOF, the owner of the property has executed this document, this 25th day of July, 2000.

[When appropriate use the following clause]:

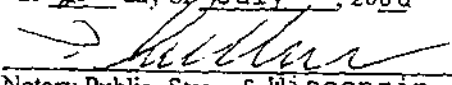
By signing this document, [he/she] acknowledges that [he/she] is duly authorized to sign this document on behalf of Black Creek Lime Stone Company

Signature: 

Printed Name: Michael R. Murphy

Title: Vice President

Subscribed and sworn to before me  
this 25 day of July, 2000

  
Notary Public, State of Wisconsin

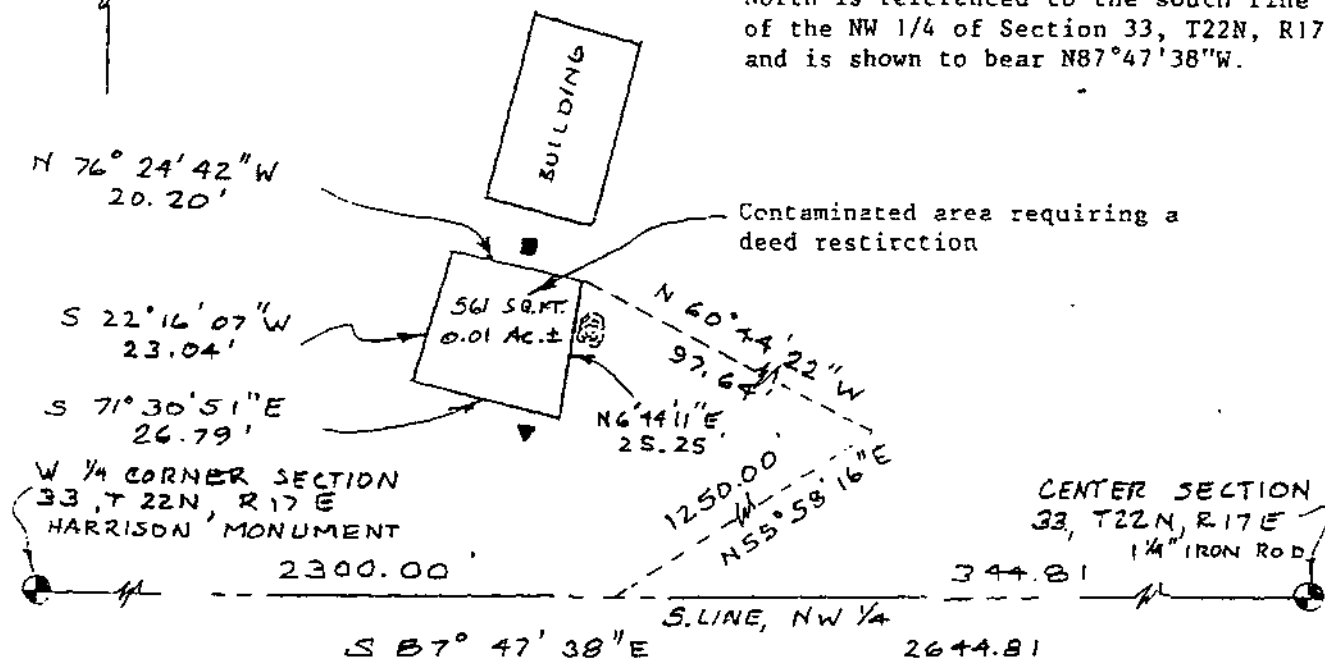
My commission permanently

This document was drafted by the Wisconsin Department of Commerce.

# Plat Of Survey

Part of the SW 1/4 of the NE 1/4, Section 33, T22N, R17E,  
Town of Center, Outagamie County, Wisconsin

North is referenced to the south line  
of the NW 1/4 of Section 33, T22N, R17E,  
and is shown to bear N87°47'38"W.

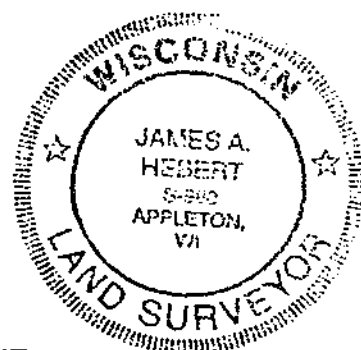


## DESCRIPTION OF CONTAMINATED AREA

A parcel of land located in the SW 1/4 of the NE 1/4  
of Section 33, T22N, R17E, Town of Center, Outagamie  
County, Wisconsin which is more fully described as  
follows:

Commencing at the W 1/4 corner of said Section 33;  
thence S87°47'38"E, 2300.00 feet along the south  
line of the NW 1/4 of Section 33; thence N55°58'16"E,  
1250.00 feet; thence N60°44'22"W, 97.64 feet to the  
point of beginning; thence N76°24'42"W, 20.20 feet;  
thence S22°16'07"W, 23.04 feet; thence S71°30'51"E,  
26.79 feet; thence N6°44'11"E, 25.25 feet to the  
point of beginning.

Said parcel contains 561 square feet of land (0.01  
acres ±) and is subject to all easements and  
restrictions of record.



## LEGEND

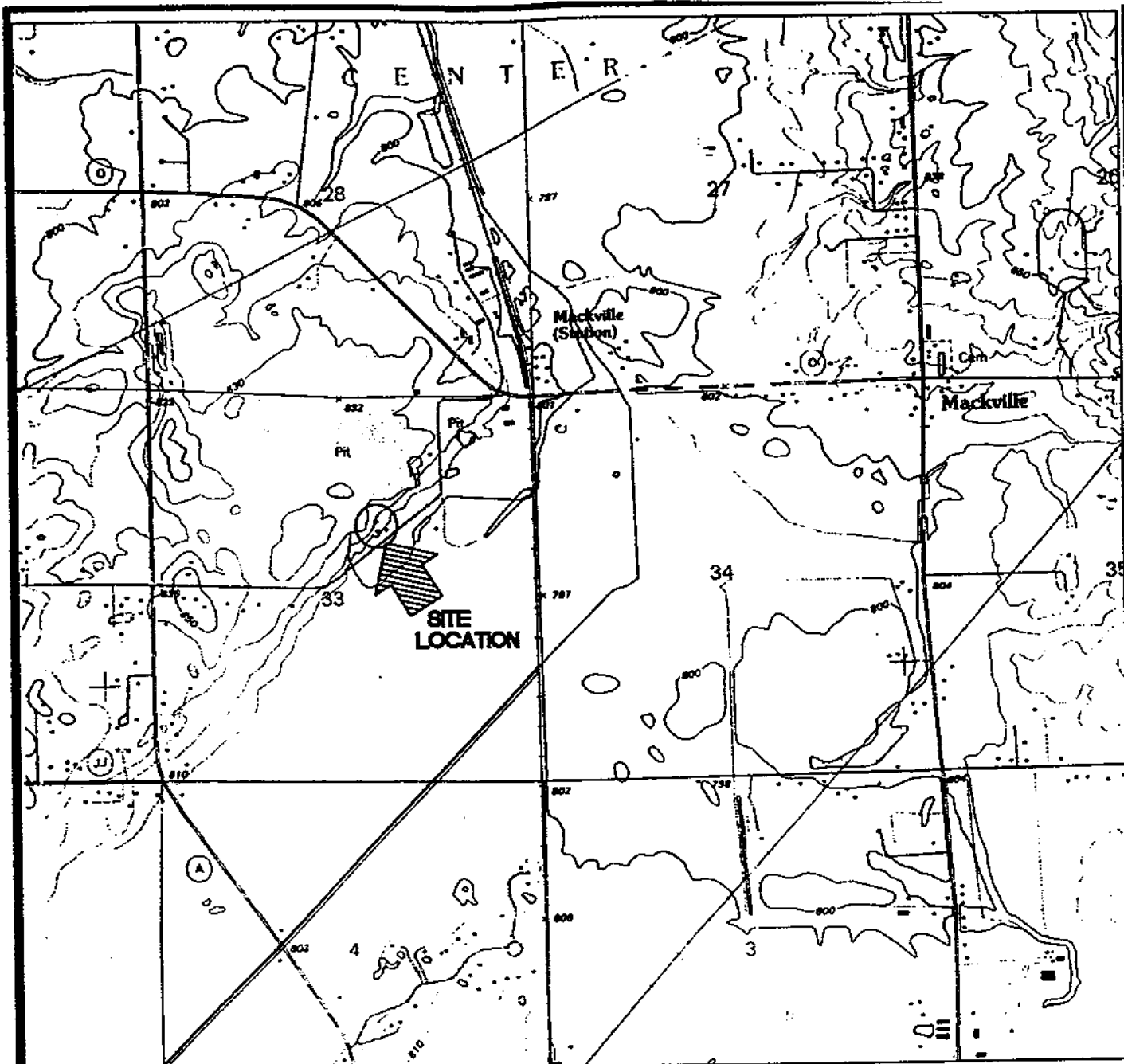
- ▼ = Monitoring well
- = Boring
- ⊙ = Tree
- ⊕ = Government corner

*James A. Hebert* 7-13-00  
James A. Hebert PLS Dated

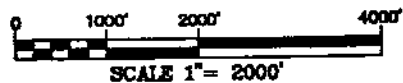
**Hebert Associates, Inc.**  
Engineering • Land Surveying • Soil Testing  
2003 N. Veege Street  
Appleton, WI 54911  
Ph 920-734-3373  
Fax 920-734-3968

1 SURVEY FOR:  
Black Creek Limestone  
Mike Murphy  
1911 W. Wisconsin Ave.  
Appleton, Wisconsin 54914

DATE: 7-13-00  
DRAFTED BY: jah  
SCALE: 1"=30'  
DRAWING NUMBER:  
00037A01



SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC MAP, APPLETON, WISCONSIN QUADRANGLE, 1992.



SCALE 1" = 2000'



FIGURE 1  
SITE LOCATION MAP

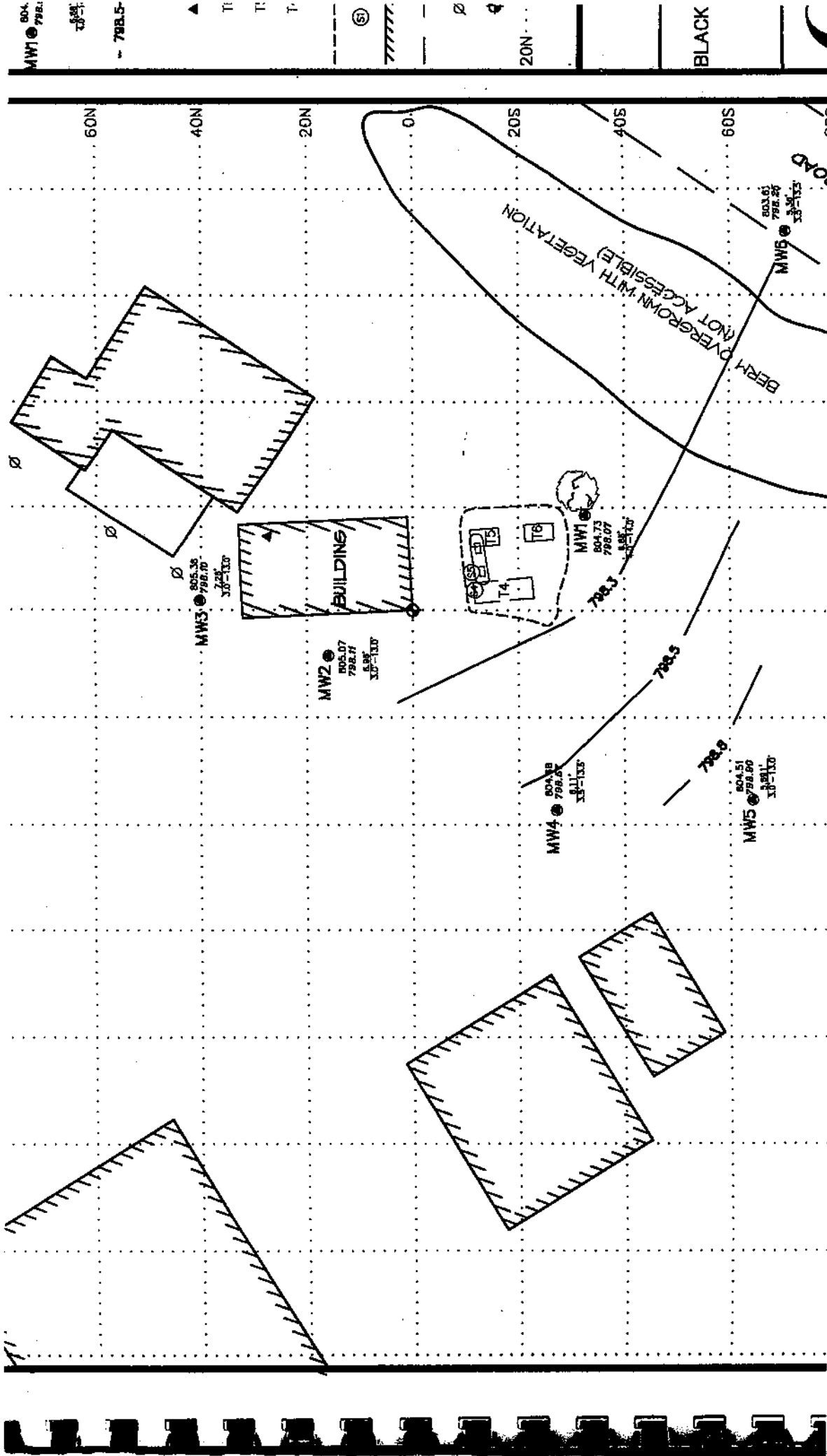
BLACK CREEK LIMESTONE—MACKVILLE  
W5070 QUARRY ROAD  
APPLETON, WISCONSIN

**OMNI**  
ASSOCIATES

ONE SYSTEMS DRIVE  
APPLETON, WI 54914

PHONE (920) 735-8900  
FAX (920) 830-8100

PROJECT MANAGER:	PROJECT NO:	H1498A98
PROJECT ENGINEER:	CAD FILE NO:	H1498A1
DRAWN BY:	DLD	SCALE:
REVIEWED BY:	DATE:	10/22/98



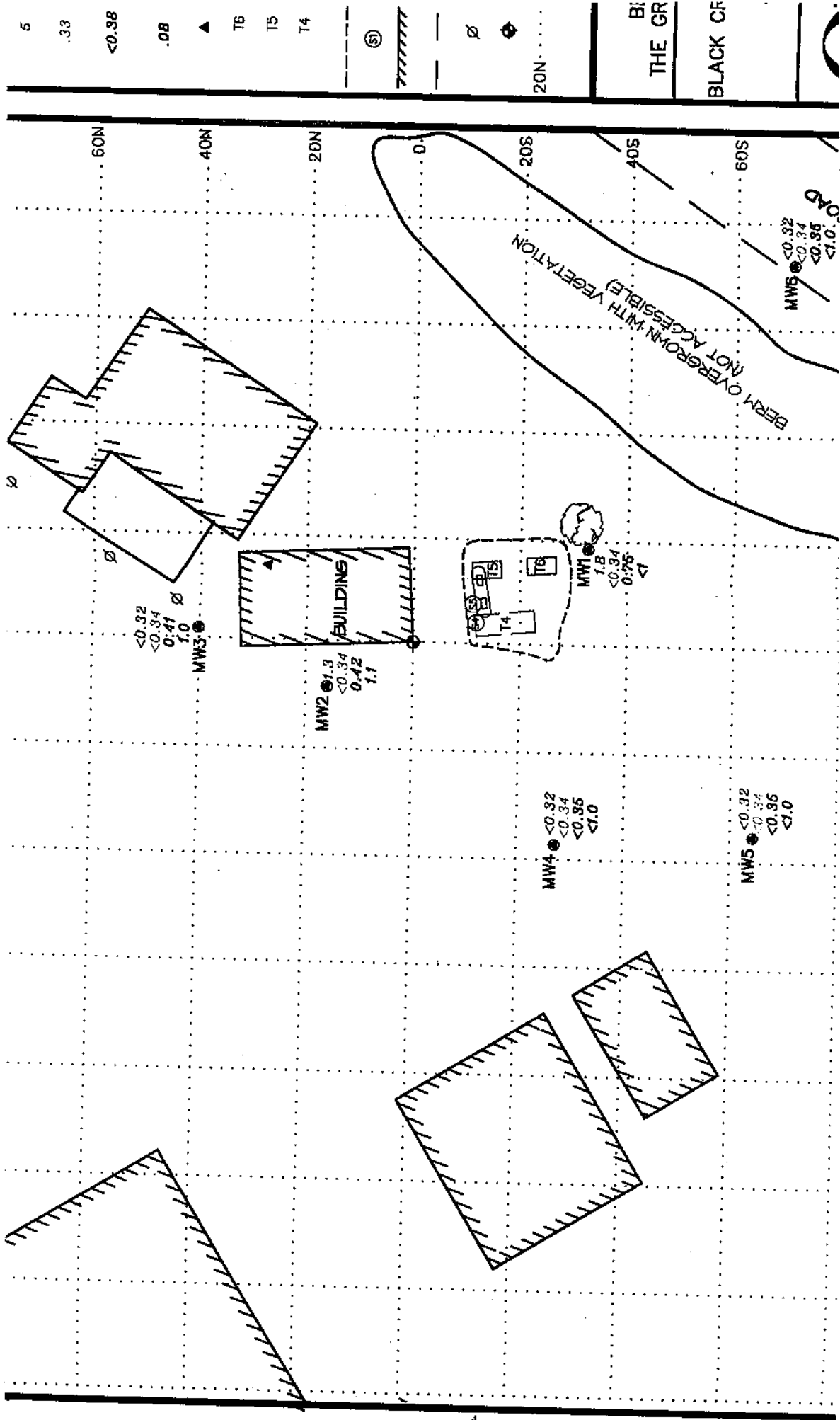




TABLE 3  
SUMMARY OF LABORATORY ANALYSIS  
GROUNDWATER SAMPLES - HISTORICAL

PARAMETER (µg/L)	ES	PAL	MW1	MW2	MW3	MW4	MW5	MW6
SAMPLE DATE			4/7/99	10/28/99	10/28/99	10/28/99	10/28/99	10/28/99
DETECTED VOCs								
BENZENE	5	0.5	1.8	1.9	<0.32	<0.32	<0.32	<0.32
m-C-BUTYLBENZENE	-	-	4.4	0.41 µg	NA	<0.34	NA	<0.34
p-BUTYLBENZENE	-	-	8.2	0.78	2.9	<0.34	NA	<0.34
ETHYLBENZENE	700	140	0.94 µg	<0.34	<0.34	<0.34	<0.34	<0.34
ISOPROPYLBENZENE	-	-	3.9	<0.34	<0.34	<0.34	NA	<0.34
p-ISOPROPYLTOLUENE	-	-	3.5	<0.31	<0.31	<0.31	NA	<0.31
MIBK	60	12	14	1.2	<0.31	0.87 µg	2.6	<0.31
NAPHTHALENE	40	8	5.6	4.9	<0.88	NA	<0.88	NA
m-PROPYLBENZENE	-	-	5.8	<0.3	<0.3	NA	<0.3	NA
TOLUENE	343	68.6	1.5	<0.35	<0.35	<0.35	<0.35	<0.35
1,2,4-TRIMETHYLBENZENE	480	96	18	1.9	<0.35	<0.35	<0.35	<0.35
1,3,5-TRIMETHYLBENZENE	(combined)	(combined)	7.1	<0.64	<0.64	<0.64	<0.64	<0.64
m,p-XYLENE	4.9	0.97 µg	<1	<0.66	<0.66	<0.66	<0.66	<0.66
o-XYLENE	620	124	0.53	<0.32	<1 µg	<0.32	<0.32	<0.32
DETECTED PAHs								
ACENAPHTHENE	-	-	4.7	NA	NA	NA	NA	NA
ANTHRACENE	3000	600	0.28	NA	NA	NA	NA	NA
FLUORANTHENE	400	80	6.5	NA	NA	NA	NA	NA
FLUORENE	400	80	2	NA	NA	NA	NA	NA
1-METHYLNAPHTHALENE	-	-	34	NA	NA	NA	NA	NA
2-METHYLNAPHTHALENE	-	-	4.7	NA	NA	NA	NA	NA
NAPHTHALENE	40	8	1.67 µg	NA	NA	NA	NA	NA
PHENANTHRENE	-	-	0.88	NA	NA	NA	NA	NA
TOTAL LEAD	50	5	<1.0	<1	<1	<1	<1	<1
GASOLINE RANGE ORGANICS	-	-	500	<100	260	<100	<100	<100
DIESEL RANGE ORGANICS	-	-	2200	NA	1100	<100	<100	<100

ES = enforcement standard  
PAL = preventive action limit  
NA = sample concentration detected above the preventive action limit  
0.05 µg/L = sample concentration detected above the enforcement standard

\* One more round after

